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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,291	11/02/2001	Michael L. Clark	0095-203	9901
7590	01/07/2004		EXAMINER	
MICHAEL H. JESTER SYMPHONY TOWERS 505 GRAND CARIBE CSWY #D CORONADO, CA 92118-3303			GORMAN, DARREN W	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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*512 Change
of Address*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,291	11/02/2001	Michael L. Clark	0095-203	9901
7590	12/23/2003		EXAMINER	
MICHAEL H. JESTER SYMPHONY TOWERS 750 B ST. SAN DIEGO, CA 92101			GORMAN, DARREN W	
			ART UNIT	PAPER NUMBER
			3752	
			DATE MAILED: 12/23/2003	

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10/000,291	11/02/2001	Michael L. Clark	0095-203	9901

7590 10/03/2003

Michael H Jester
A Professional Law Corporation
505D Grand Caribe Causeway
Coronado, CA 92118-3303

EXAMINER

GORMAN, DARREN W

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 10/03/2003

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Office Action Summary

Application No.

10/000,291

Applicant(s)

CLARK, MICHAEL L.

Examiner

Darren W Gorman

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 16-20 is/are allowed.
- 6) Claim(s) 1-8, 11, 12 and 15 is/are rejected.
- 7) Claim(s) 9, 10, 13, and 14 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 7. 6) Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species Group II in Paper No. 9 and 10 is acknowledged. Although a restriction to distinct species was made by this Office in Paper No. 8, on June 30, 2003, Examiner has noted that prosecution of non-elected claims will not present an undue burden, therefore no claims will be withdrawn.

Information Disclosure Statement

2. The IDS filed on November 2, 2002, paper #5, and the IDS filed on April 15, 2003, paper #7, are hereby acknowledged and have been placed of record. Please find attached a signed and initialed copy of each PTO form 1449. It was noted on the November 2, 2002 submitted PTO form 1449, that the US Patent number to Citron had a typographical error. It was also noted on the April 15, 2003 submitted PTO form 1449, that the US Patent number to Bruninga had a typographical error. The incorrect numbers have been lined through and the correct numbers have been written above the lines.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application, by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Applicant has not properly acknowledged on the oath / declaration or application data sheet the filing of co-pending parent application, 09/873,167. A new oath, declaration or application data sheet is required.

Minor Claim Suggestions By Examiner

4. The body of the claims of the present invention is understood by the Examiner, however the following changes are recommended to improve clarity. The claims have been examined on the merits including the suggested changes below.

In claim 10, line 1, [sections] should be replaced with --section--

In claim 15, line 1, [sections] should be replaced with --section--

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 11, 12, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawson, USPN 6,186, 413.

Lawson shows a pop-up type irrigation sprinkler (12) comprising: an outer housing (14) having a lower inlet end (26) connectable to a source (28) of pressurized water; a riser (16) vertically reciprocable along a vertical axis within the outer housing between extended and retracted positions when the source of pressurized water is turned on and off; a nozzle (18) mounted at an upper end of the riser for distributing water therefrom; and a strainer (46, 74) mounted to a lower end of the riser inside the outer housing and configured to filter debris from water passing through the lower inlet end of the outer housing, the strainer having a finer mesh section (74) and a coarser mesh section (46), wherein the finer mesh section is made of a lattice of first openings of a first size and the coarser mesh section is made of a lattice of second openings of a second size larger than the first size (see Figures 1-4; and column 5, lines 17-22, and column 6, lines 10-13).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kah, Jr., USPN 4,272,024, in view of Kendall, USPN 4,360,037.

Kah shows a pop-up type irrigation sprinkler (1) comprising: an outer housing (2) having a lower inlet end (6) connectable to a source (158) of pressurized water; a riser (16) vertically reciprocable along a vertical axis within the outer housing between extended and retracted positions when the source of pressurized water is turned on and off; a nozzle (36) mounted at an upper end of the riser for distributing water therefrom; and a frusto-conical shaped strainer (30) mounted to a lower end of the riser inside the outer housing and configured to filter debris from water passing through the lower inlet end of the outer housing (see Figure 1; and column 3, lines 18-22).

However, Kah does not show a generally cylindrical scrubber mounted to the inlet end of the outer housing, the scrubber including a plurality of circumferentially spaced, vertically extending resilient arms each having a wiper blade at an upper end thereof for pressing against and scraping the strainer, so as to remove accumulated debris from the strainer.

Kendall teaches a self-cleaning strainer assembly (10') wherein one embodiment (see Figure 8) shows a fixedly mounted scrubber (132') mounted in a coaxial relationship to an axially reciprocating strainer element (124'), wherein the scrubber includes a plurality of circumferentially spaced, vertically extending resilient arms (140'), each having a wiper blade (20') at an upper end thereof for pressing against and scraping the strainer, in order to remove accumulated filtered matter from the entire surface of the strainer (see Figure 8, and column 9, lines 3-15).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the filtering arrangement of the sprinkler head of Kah to include the fixed scrubber member fixedly mounted to the inlet end of the outer housing for allowing reciprocable movement of the strainer within the scrubber, as taught by Kendall, in order to dislodge and remove accumulated debris from the entire exterior of the strainer.

Allowable Subject Matter

9. Claims 16-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art, alone or in combination, did not teach or fairly suggest an irrigation sprinkler having a strainer wherein the strainer includes a plurality of circumferentially spaced projections configured and positioned to engage ribs on the interior wall of an outer housing and deflect past the ribs allowing for adjustable positioning of a riser in a predetermined fixed rotational relationship with the outer housing, as set forth in claim 16, together with the other claimed elements of Applicant's invention.

10. Claims 9, 10, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W Gorman whose telephone number is 703-306-4205. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

Darren W Gorman
Examiner
Art Unit 3752

DWG 9/29/03
DWG

September 23, 2003

Michael Mar
MICHAEL MAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700